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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,959	11/30/2001	Mark Muhlestein	103.1074.01	5673

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EXAMINER	
KHOSHNOODI, NADIA	
ART UNIT	**PAPER NUMBER**
2133	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/010,959	MUHLESTEIN, MARK	
	Examiner	Art Unit	
	Nadia Khoshnoodi	2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *3/12/2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/3-8-2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 2, elements 212(a-c), 213(a-d), 219a, and 221a. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

II. Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrison, U.S. Patent No. 6,275,939 and further in view of Midgely et al., U.S. Patent No. 5,604,862.

As per claims 1, 16, and 27:

Garrison substantially teaches a method, an apparatus, and memory/mass storage including receiving a user request for data at a server (col. 7, lines 50-52); performing an operation on data associated with said data at a cluster device, said operation including accessing said data at said server (col. 8, lines 5-25); and conditionally allowing access to said data in response to said user request and a result of said operation (col. 7, lines 52-67).

Not explicitly disclosed is an object. However, Midgely et al. teach users requesting files from a server. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison for the data being requested to be an object. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Midgely et al. in col. 5, lines 15-22.

As per claims 2, 17, and 28:

Garrison and Midgely et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Not explicitly disclosed is including conditioning said operation on a feature of said object, said feature including at least one of: a file name, a file type, a file-system share. However, Garrison teaches that the data is requested using a codeword. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison to have the codeword represent the filename for the data being requested in order to determine whether or not the user has access to

that file depending on their access rights. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Garrison in col. 11, lines 1-17.

As per claims 3, 18, and 29:

Garrison and Midgely et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Furthermore, Garrison teaches a type of access associated with said user request wherein said operation is performed for an intersection of at least one feature and at least one type of access (col. 7, lines 33-67).

Not explicitly disclosed is including conditioning said operation on an intersection of a feature of said object, said feature including at least one of: a file name, a file type, a filesystem share. However, Garrison teaches that the data is requested using a codeword. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison to have the codeword represent the filename for the data being requested in order to determine whether or not the user has access to that file depending on their access rights. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Garrison in col. 11, lines 1-17.

As per claims 4, 22, and 30:

Garrison and Midgely et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Not explicitly disclosed is including persistently recording a result of said operation in association with said object. However, Garrison teaches that the server records the information sent back from the database and further decides which aspects of

the data the user is allowed to access. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison to persistently record the resulting information associated with the object. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Garrison in col. 12, lines 5-34.

As per claims 5, 19, and 31:

Garrison and Midgely et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Not explicitly disclosed is including selecting said cluster device to perform said operation in response to a priority class associated with said cluster device. However, Midgely et al. teach that each cluster device maintains a hierarchical storage system. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison for the cluster device to perform the operation in response to a query for a more frequently used item that the cluster has stored in the faster, yet more expensive memory. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Midgely et al. in col. 1, lines 39-46.

As per claims 6 and 32:

Garrison and Midgely et al. substantially teach a method and memory/mass storage as in claims 1 and 27. Furthermore, Garrison teaches wherein said operation includes a plurality of processes, each one process being performed at a separate cluster device (col. 8, lines 38-59).

As per claims 7, 21, and 33:

Garrison and Midgely et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Furthermore, Garrison teaches wherein said operation includes at least one of: virus scanning, encryption or decryption, compression or decompression (col. 8, line 60 – col. 9, line 54).

As per claims 8 and 34:

Garrison and Midgely et al. substantially teach a method and memory/mass storage as in claims 1 and 27. Not explicitly disclosed is wherein said operation includes setting a timeout at said server; resetting said timeout in response to receiving a response from said cluster device to a protocol message asking if said cluster device is still working on said operation; and determining that said operation is successful in response to receiving a response from said cluster device before said timeout expires. However, Midgely et al. teach that if there is an unresponsive server, the replica takes over in order to respond with the data requested in order to show that the device is down. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison to use a timeout that will shows the device is down if it is not reset as working on the request. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Midgely et al. in col. 5, lines 23-45.

As per claims 9 and 35:

Garrison and Midgely et al. substantially teach a method and memory/mass storage as in claims 1 and 27. Not explicitly disclosed is including assigning an access type to said cluster device, said access type allowing said cluster device to perform said operation notwithstanding

user locks associated with said object. However, Midgely et al. teach the cluster device having a list that allows it access, but disallows user access at that time. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison to assign an access type to the cluster device, allowing the device to access the file. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Midgely et al. in col. 6, lines 34-64.

As per claims 10 and 36:

Garrison and Midgely et al. substantially teach a method and memory/mass storage as in claims 9 and 35. Furthermore, Midgely et al. teach including restricting said access type in response to at least one of: a selected set of network addresses for said cluster device, a selected set of domain names for said cluster device, a selected set of user names at said cluster device, a selected set of interfaces between said server and said cluster device (col. 6, lines 42-64).

As per claims 11 and 37:

Garrison and Midgely et al. substantially teach a method and memory/mass storage as in claims 1 and 27. Furthermore, Midgely et al. teach including at a first time, recording a result of said operation for said object; and at a second time, conditioning said operation on said result (col. 10, lines 9-39).

As per claims 12, 23, and 38:

Garrison and Midgely et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 11, 22, and 37. Furthermore, Midgely et al. teach wherein said result includes at least one of: a time when said operation was performed, remedial measures taken in

response to said operation, whether access was allowed in response to said operation (col. 10, lines 22-32).

As per claims 13, 24, and 39:

Garrison and Midgely et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Furthermore, Garrison teaches including conditioning said operation on a type of access associated with said user request (col. 8, lines 1-5).

As per claims 14, 25, and 40:

Garrison and Midgely et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 13, 24, and 39. Furthermore, Garrison teaches wherein said operation is performed before allowing access to said object for requests including read access (col. 7, line 50 – col. 8, line 37).

As per claims 15, 26, and 41:

Garrison and Midgely et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 13, 24, and 39. Furthermore, Garrison teaches wherein said operation is performed after allowing access to said object for requests (col. 7, line 50 – col. 8, line 37). Not explicitly disclosed is the request including write access. However, Midgely et al. teach that clients request files in order to update a file. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison for the request to include write access. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Midgely et al. in col. 4, lines 13-26.

As per claim 20:

Garrison and Midgely et al. substantially teach an apparatus as in claim 16. Furthermore, Garrison teaches the apparatus including a plurality of said first messages directed at separate said cluster devices in response to a single said user request (col. 8, lines 38-59).

**References Cited, Not Used*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US Patent No. 6,327,658
2. US Patent No. 6,918,113
3. US Patent No. 6,226,752
4. US Patent No. 6,088,803

The above references have been cited because they are relevant due to the manner in which the invention has been claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825. The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nadia Khoshnoodi
Examiner
Art Unit 2133
8/26/2005

NK

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